### STATE OF VERMONT

#### HUMAN SERVICES BOARD

In re	)	Fair	Hearing	No.	L-02/08-75
	)				
Appeal of	)				

### INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit (HEAU) closing his Vermont Health Access Plan (VHAP) benefits and finding him ineligible for the Catamount Health Assistance Program (CHAP). The issue is whether the petitioner's income exceeds the programs' maximums.

# FINDINGS OF FACT

- 1. The petitioner is a single adult who is presently employed. Following a periodic review by the Department, the petitioner received a notice of decision dated February 15, 2008 that he was no longer eligible for VHAP as he was over income. The notice also informed him that his income also made him ineligible for the newly-instituted CHAP benefits.
- 2. At the fair hearing (held on March 24, 2008) the petitioner did not dispute the Department's determination that he received \$2,758.75 in monthly earned income in

January 2008, and that this amount exceeds the maximums for both VHAP and CHAP.

3. Petitioner was advised to reapply if his income falls below the monthly program maximum of either program.

## ORDER

The Department's decision is affirmed.

### REASONS

The VHAP and CHAP programs were created to extend health insurance to low and middle income Vermonters. To be eligible, applicants need to meet the income guidelines for these programs. Countable income includes all gross earned income. Each household member who earns income is entitled to a monthly \$90 employment disregard. W.A.M. § 4001.81(e). When income changes are expected to occur, the Department is to base its calculations on current wage information. W.A.M. § 4001.81.

Petitioner completed a review for continuing VHAP eligibility in February 2008. Based upon the income information petitioner supplied, the petitioner's monthly countable income for January was in excess of the monthly program standards for VHAP (\$1,307) and CHAP (\$2,613). See P-2420(B). Petitioner can always reapply if his countable

income falls below either program's maximum. However, inasmuch as the Department's decision was in accord with the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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